



## *Walsall Metropolitan Borough Council*

---

---

### DEVELOPMENT CONTROL COMMITTEE: –

28<sup>th</sup> June 2005-06-13

### REPORT OF ASSISTANT DIRECTOR FOR URBAN REGENERATION

## **CONFIRMATION OF TREE PRESERVATION ORDER 4 OF 2005 ON LAND AT WALSALL ENTERPRISE PARK, WALSALL**

#### **1. PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order No 4 of 2005.

#### **2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 4 of 2005 in unmodified form. A plan showing the Tree Preservation Order is attached to this report.
- (ii) Support the reason for making the Tree Preservation Order set out in paragraph 1.2.
- (iii) Note that 5 representations have been received in respect of this Tree Preservation Order.

#### **3. FINANCIAL IMPLICATIONS**

Within Budget. In general, new Tree Preservation Orders generate additional applications for consent and increase officers' workload.

#### **4. POLICY IMPLICATIONS**

Within Council policy – YES

#### **5. LEGAL IMPLICATIONS**

The owners and future owners of this site will be required to apply for Council permission if they wish to fell or prune any tree protected by the Tree Preservation Order. Failure to do this renders anyone carrying out unauthorised works to trees liable to criminal proceedings.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

NOT APPLICABLE

7. **ENVIRONMENTAL IMPACT**

The management of Walsall's tree cover through the administration of the Tree Preservation Order system has positive implications in protecting trees for their visual and environmental benefits. Removal of protected trees is often necessary because trees have a finite lifespan and may also cause nuisance or damage. In these instances the Council has to decide whether the removal of protected trees is justified. In the event that felling a tree is permitted, the Council can secure replacement planting to maintain tree cover.

8. **WARD(S) AFFECTED**

The Tree Preservation Order 4 of 2005 is located within Pleck Ward.

9. **CONSULTEES**

Owners and near neighbours were sent copies of the Tree Preservation Order and invited to make representations to the Council in both opposition and support of this Tree Preservation Order. Any response is described within the report.

10. **CONTACT OFFICER**

Gordon Dewdney - Extension: 2447

11. **BACKGROUND PAPERS**

Tim Johnson,  
ASSISTANT DIRECTOR FOR URBAN REGENERATION

DEVELOPMENT CONTROL COMMITTEE: –

28<sup>th</sup> June 2005

CONFIRMATION OF TREE PRESERVATION ORDER 4 OF 2005 ONLAND  
AT WALSALL ENTERPRISE PARK, WALSALL.

1.0 **REPORT DETAIL.**

1.1 The trees, the subject of this order, are on an industrial park to the rear of houses in Prince Street, Pleck. The trees form an important barrier between the houses and the industrial park. They contribute to the amenity of the area and have positive environmental benefits, given the industrial nature of the area. An emergency Tree Preservation Order was imposed to protect the trees during the reconstruction process on this site. This order should be confirmed in order that the council can control the future management of these trees.

1.2 The Tree Preservation Order No 4 of 2005 was made on 21/01/2005. The reason given for the making of the Tree Preservation Order was as follows:

‘the trees included in the Tree Preservation Order are visually prominent specimen which contribute to the visual amenity of the neighbourhood and provide environmental benefits’.

1.3 The minimum six week period allowed for objection to the Order expired on 04/03/05. Five responses have been received objecting to the order from:

- Mr Ranjit Singh Clair, 148 Prince St.
- Mr P Patel, 150 Prince St.
- Mr S Singh, 162 Prince St

These are all copies of the same letter voicing complaints about damage to the foundations of a garage and bathroom and leaves blocking gutters.

Objections have also been received from:

- Mrs B Patel, 108 Prince St.
- Mr Abdulhaq Soorty, 118 Prince St.

Both these letters complain about the effects of leaves on the property, blocking gutters and littering gardens. Both complainants claim to have physical impediments which make it difficult for them to clear the leaves.

1.4 My response to these points are as follows;

1.5 Whilst I find it unlikely that the trees could influence the structures at this distance, the onus is upon the householder to prove that this is the case. This threat would have been present before the imposition of a TPO and no steps were taken. I see no reason why this should interfere with the confirmation of this TPO. The council agrees to the removal of any roots which encroach upon the residents' property, provided they do not damage the trees involved.

- 1.6 The Council cannot condone the persecution of trees for fulfilling their natural, biological functions. Leaf drop is part of the natural cycle and there are effective, low cost measures that can be taken in order to keep gutters clear, such as plastic gutter shields. Whilst I acknowledge that the removal of leaves from a garden can be an arduous task, it is no more arduous than say, the collection of litter and just as uncontrollable. I do not feel that this is sufficient grounds for objection to a TPO.
- 1.7 Future applications to remove problem branches or to deal with other issues involved with the trees will be objectively assessed. There is no reason why a TPO should inhibit the sensible management of these trees.
- 1.8 The Committee is therefore recommended to confirm Tree Preservation Order No 4 of 2005 in unmodified form.